

**AMENDMENTS TO THE DRAWINGS**

The enclosed three sheets of drawings replace the three sheets of drawings filed on November 28, 2005. The drawings filed on November 28, 2005 replaced the original drawings filed June 27, 2003. The original drawings were objected to because of non-uniform lines and lettering in the office action mailed September 19, 2005.

No changes to the original drawings were intended, however the drawings filed on November 28, 2005 had two unintentional typographical errors. In particular, in Fig. 2 blowers 52 were inadvertently labeled as blowers 53, and in Fig. 4 a line segment was inadvertently added that connected the feed tank 40 directly to the macerator pump 68 discharge. The enclosed drawing sheets correct these two errors by correcting the label for the blowers 52 in Fig. 2 and deleting the erroneous line segment in Fig. 4. In addition, the line quality for the label of the controller 23 in Fig. 6 has been improved.

Applicant : James E. Higgins et al.  
Serial No. : 10/607,143  
Filed : June 27, 2003  
Page : 3 of 3

Attorney's Docket No.: 83691

## REMARKS

The amendment filed November 23, 2005 was found to be non-compliant. In particular, the Examiner stated that "[a]n explanation of the changes must be presented" for the drawings filed with the November 23, 2005 amendment. Applicant submits three replacement sheets herewith to replace the three replacement sheets filed November 23, 2005. Applicant also provides an explanation of the drawing changes in the "Amendments to the Drawings" section above. Therefore, it is respectfully requested that the objection be reconsidered and withdrawn and that the November 23, 2005 amendment be found compliant. For the convenience of the Examiner, a copy of the amendment (without the replacement drawings) filed November 23, 2005 is enclosed.

It is respectfully submitted that all claims are in condition for allowance, and early notice of the same is respectfully solicited. If any questions remain, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

No fee is believed to be due. Please apply any charges or credits to Deposit Account No. 50-0958.

Respectfully submitted,

Date: December 27, 2005

  
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Appln. No. 10/607,143

Amendment in Reply to Office action dated Sept. 19, 2005.

**REMARKS**

The foregoing amendments are submitted in response to the first Office action dated Sept. 19, 2005, together with 3 replacement drawing sheets to replace the drawings accompanying the application as filed, in an effort to place the application in condition for allowance as hereinafter pointed out.

Claims 1-8 were all rejected over U.S. Patent No. 6,361,695 to Husain et al., relied on as the primary prior art reference, while U.S. Patent No. 5,275,732 to Wang, et al. was also relied on as a secondary prior art reference in regard to obviousness under 35 U.S.C. 103(a). Claim 1, from which claims 2-8 depend, has been amended so as to clarify the subject invention and thereby emphasize its patentable distinction over the disclosures in the Husain et al. and Wang et al. patents.

According to the disclosure in the Husain et al. patent, wastewater purified within a tank 42 is withdrawn therefrom for further processing by disinfection within a tank 70 before delivery to pump tank 80 for discharge therefrom as a treated effluent into the same pump into which sludge from bioreactor 30 is discharged through line 102. The foregoing referred to wastewater processing procedure associated with the system disclosed in the Husain et al. patent is contrary to the processing procedure associated with the present invention, wherein the sludge 18 is discharged from the bioreactor 16 through an outlet line having no connection to the overboard discharge of the sludge 18. Thus amended claim 1 specifies: "plumbing means--involving--said discharging of the clean effluent separately from said discharging of the sludge concentrate overboard".

In regard to claim 6 dependent from claim 1, it is conceded on page 4 of the Office action that the Husain et al. patent fails to teach "collection of foam from the tank and feedback thereof

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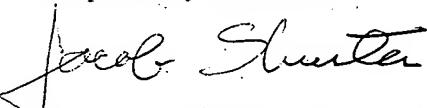
Appln. No. 10/607,145

Amendment in Reply to Office action dated Sept. 19, 2005.

into the bioreactor", for which reason the Wang et al. patent is relied on. However, the Wang et al. patent is unrelated to the type of underwater treatment system with which the Husain et al. patent and the present invention are associated. Accordingly, the obviousness judgment with respect to the additional distinction set forth in claim 6 over the Husain et al. patent is inapplicable under current case law, such as the Graham v. John Deere Co., 148 USPQ 495 referred to in the Office action.

In view of the foregoing referred to claim distinctions of the present invention over the prior art references relied on for the rejections as set forth in the Office action, an allowance of amended claim 1 together with claims 2-8 dependent therefrom is in order and hereby requested.

Respectfully submitted,



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